

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR02-443-MJP
Plaintiff,)
v.)
PHUONG DUONG,) SUMMARY REPORT OF U.S.
Defendant.) MAGISTRATE JUDGE AS TO
) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE

An initial hearing on supervised release revocation in this case was scheduled before me on March 10, 2008. The United States was represented by AUSA Annette Hayes for Ronald Friedman and the defendant by Catherine Chaney. The proceedings were digitally recorded.

Defendant had been sentenced on or about September 15, 2003 by the Honorable Barbara J. Rothstein on a charge of Conspiracy to Distribute Controlled Substances, and sentenced to 57 months custody, 3 years supervised release. (Dkt. 382)

The conditions of supervised release included the standard conditions plus the requirements that defendant be prohibited from possessing any firearms, participate in mandatory drug testing and treatment, abstain from alcohol, submit to search, provide access to financial information as

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01 requested by his probation officer, be prohibited from obtaining new lines of credit, verify his
02 employment with his probation officer, not work for cash, and not re-enter the United States
03 without permission.

04 On January 2, 2008, defendant's probation officer reported that he had violated the
05 condition of supervision by using cocaine. Defendant was reprimanded, testing was increased, and
06 defendant was referred for professional assessment. No further action was taken at the time.
07 (Dkt. 588.)

08 In an application dated March 7, 2008 (Dkt. 591), U.S. Probation Officer Michael J.
09 Larson alleged the following violations of the conditions of supervised release:

10 1. Using cocaine on or before November 19, 2007, November 21, 2007, January 14,
11 2008, February 19, 2008, and February 25, 2008, in violation of standard condition number seven.

12 2. Failing to report for drug testing as instructed on December 14, 2007, December
13 20, 2007, and February 4, 2008; in violation of the special condition requiring he participate as
14 instructed in a program for narcotic addiction, drug dependency, or substance abuse, which may
15 include testing to determine if the defendant has reverted to the use of drugs or alcohol.

16 Defendant was advised in full as to those charges and as to his constitutional rights.

17 Defendant admitted the alleged violations and waived any evidentiary hearing as to
18 whether they occurred.

19 I therefore recommend the Court find defendant violated his supervised release as alleged,
20 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
21 set before Judge Pechman.

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01 Pending a final determination by the Court, defendant has been detained.

02 DATED this 11th day of March , 2008.

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05 Mary Alice Theiler
United States Magistrate Judge

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07 cc: District Judge: Honorable Marsha J. Pechman
AUSA: Annette Hayes, Ronald Friedman
Defendant's attorney: Catherine Chaney
Probation officer: Michael J. Larson
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